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**REMARKS****Information Disclosure Statements**

The applicant respectfully acknowledges the Examiner's review and consideration of the Information Disclosure Statement filed on 3 July 2001.

**Priority Claim**

The applicant respectfully acknowledges the Examiner's indication that the required priority documents have been received in the Patent Office.

**Restriction Requirement**

As a result of the election made in the paper filed on 19 April 2002, the Examiner has withdrawn claim 10 from consideration, as it does not read upon the elected species as shown in Figure 9.

However, the Examiner is reminded that claim 1 is a generic claim, so if it is allowable as a result of this response, then claim 10 should also be allowed.

**35 USC 102 rejections**

The Examiner has made two rejections under 35 USC 102. The applicant will address them in the opposite order than that stated by the Examiner.

Claims 1-6, 8, 11-29, 46, 47 and 53 are rejected as being anticipated by Dang (US Patent 5,935,162) ("Dang '162"). Applicant respectfully traverses this rejection. While the Examiner finds some of the limitations of Claim 1 in Dang '162, the Examiner's analysis does not find each and every limitation, so a prima facie case has not been made.

**Claim 1**

Claim 1 first requires a stent with "at least two tubular portions arranged adjacently in a longitudinal direction of the stent." The tubular portions comprise "a plurality of interconnected, substantially cell-shaped elements which have an orientation and are connected together in the longitudinal direction of the stent by way of at least one first connecting means." The Examiner has determined that Dang '162 teaches "a stent having at least two tubular portions having a plurality of cell-shaped elements and connected by at least one first connecting means." Applicant does not traverse this finding of the Examiner.

Claim 1 also requires that "the elements are of such a configuration that the ends of the elements which are in the longitudinal direction of the stent define an edge contour extending around the stent in a wave-like configuration in a peripheral direction thereof." The Examiner

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finds that the elements "define an edge contour extending around the stent in a wave-like configuration." Applicant traverses this finding of the Examiner, as the Examiner does not seem to understand the use of the term "edge contour," as this would demonstrate that Dang '162 does not teach a "wave-like configuration."

Finally, Claim 1 requires that "the mutually adjoining edge contours of said at least two tubular portions extend around the stent substantially in an in-phase relationship." The Examiner has determined that "the tubular portions extend around the stent substantially in an in-phase relationship." Unfortunately, this finding is not what Claim 1 requires, so the applicant traverses this finding. The applicant believes that the Examiner has misunderstood either 1) what parts are said to be "in phase" or 2) what "in phase" means as used by the applicant in this context.

While recognizing that the Examiner is examining based on Figure 9, the applicant notes that almost all of the claims under consideration also read on Figure 8, so the Examiner is directed to Fig. 8 and paragraph [0049] of the specification. Particularly, the Examiner is directed to reference numerals 36", 37" and 38", which illustrate the edge contours, as stated in paragraph [0049]. Similar contours are shown as 36 through 38 in Figure 7 and as 36"" through 38"" in Figure 10. As paragraph [0047] makes very clear, mutually adjacent edge contours 37 and 38 in Figure 7 are "in phase." Likewise, mutually adjacent edge contours 36" and 37" in Figure 8 are also "in phase."

In making this traverse, the applicant has reproduced Figure 2 from Dang '162 to illustrate that Dang '162 does not possess the feature of in phase mutually adjacent edge contours. In the document, marked "Exhibit 1," applicant would first posit that the lines drawn in as A and B show mutually adjacent edge contours, and that the "contour" is effectively a straight line, meaning that Dang '162 does not even provide the feature of "wave-like" edge contours. However, since some undulation is present, edge contours A' and B' are also drawn in, along a different, but entirely analogous, pair of mutually adjacent edges. Note, however that these edge contours A' and B' each possess respective peaks C, C' and valleys D, D', but they are exactly 180 degrees out of phase. In other words, Dang '162 is teaching exactly the opposite of what is required by claim 1. Compare Exhibit 1 against Figure 8 of the present application to see this stark difference.

Since Claim 1 is the only independent claim, once Claim 1 has distinguished Dang '162, all of the remaining claims also distinguish Dang '162.

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Claims 1-9, and 11-58 are rejected as being anticipated by Serruys, "Handbook of Coronary Stents." ("Serruys"). To quote the Examiner, "Serruys discloses all the structural limitations as claimed by Mueller, et al. See Chapter [sic] 13, pages 122-129."

Simply put, this rejection is not a proper rejection under 35 USC 102. The Examiner has not provided sufficient specificity to permit a reasoned response. If this rejection is made final without making it more specific, applicant will consider the filing of a petition on the rejection. The applicant is entitled to full and specific examination, or the claims must be allowed. The applicant should not have to speculate on the basis of the rejection. Either the elements of the claim are found in specific items in the reference or the claim is allowable.

### 35 USC 103 rejections

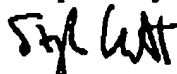
The Examiner has rejected claims 7, 30-45 and 48-52 as being obvious over Dang '162 and what would be known to one of ordinary skill in this area. Specifically, the rejection is that Dang '162 meets all requirements of the claim except the requirement of no more than two first connecting means for connecting adjacent tubular portions.

The applicant traverses this rejection for two reasons. First, Dang '162 has effectively been overcome above as a 102 reference, so there are significant features of the claims rejected under 103 that are not met by Dang '162. Second, and at least as important, is that this rejection is really a rejection involving elimination of an element with retention of its function, since the present application teaches the use of only two first connecting means, but retention of the function of connecting adjacent tubular members. Elimination of an element while retaining its function is not obvious. In fact, the MPEP indicates that this is a sign of **unobviousness**. See MPEP 2144.04(II)(B), with citation to *In re Edge*, 149 USPQ 556 (CCPA 1966).

Based on this, Claims 7, 30-45 and 48-52 are not obvious over Dang '162.

Prompt reconsideration and allowance of the claims is earnestly requested.

Respectfully submitted,



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